

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 4-6 are requested to be cancelled. Claims 1-3 are currently being amended.

This amendment changes and deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-3 are now pending in this application.

Claim Rejections under 35 U.S.C. § 102

Claims 1-6 were rejected under 35 U.S.C. § 102(b) as being anticipated by JP 2001-320120 (“Nidou”). In response, Applicant amends claim 1 and cancels claims 4-6. Further, Applicant respectfully traverses the rejection for the following reasons.

Applicant relies on M.P.E.P. § 2131, entitled “Anticipation – Application of 35 U.S.C. § 102(a), (b) and (e)” which states, “a claim is anticipated only if each and every element set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Applicant respectfully submits that Nidou does not describe each and every element of the claims.

Independent claim 1 as amended is directed to a semiconductor laser comprising a GaN-based semiconductor substrate and laminated layers formed on the GaN-based semiconductor substrate which include a GaN-based semiconductor clad layer containing Al and an active layer formed thereabove, wherein the outermost side surfaces of the laminated layers along the direction of the resonator of the semiconductor laser are inclined with respect to the GaN-based semiconductor substrate in such a direction that a resonator width is

decreased from the GaN-based semiconductor substrate side to the upper portion of the laminated layers.

For example, an embodiment of the claimed invention is show in FIG. 1 of the application. The laminated layers are formed above the masks so that the side surfaces of the laminated layers along the direction of resonator may be formed from the grown surfaces of the semiconductor layers which have been selectively grown from the masks. With this structure, the grown surfaces of the semiconductor layers which have been selectively grown from the mask opening portions become the separating surfaces of the laser device without being modified. This can effectively suppress the occurrence of cracks involved in the cutting of the wafer.

In contrast, Nidou does not disclose, teach or suggest each and every limitation of the claimed invention. Nidou is directed to a GaN semiconductor structure. In the Office action, the Examiner asserts that Figure 6 discloses the claimed invention. However, Figure 6 clearly shows a semiconductor structure with laminated layers, where the outermost side surfaces are not inclined relative to the substrate. Instead, the surfaces of Nidou are perpendicular to the substrate. Accordingly, Nidou does not disclose, teach or suggest “a semiconductor laser wherein the outermost side surfaces of the laminated layers along the direction of the resonator of the semiconductor laser are inclined with respect to the GaN-based semiconductor substrate in such a direction that a resonator width is decreased from the GaN-based semiconductor substrate side to the upper portion of the laminated layers” as claimed in amended independent claim 1.

M.P.E.P. § 2131 states that “[t]he identical invention must be shown in as complete detail as is contained in the claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). Here, Nidou fails to disclose the identical invention must be shown in as complete detail as is contained in the claims. Accordingly, Applicant requests that the rejection be withdrawn and independent claim 1 be allowed. If this rejection of the claims is maintained, the Examiner is respectfully requested to point out where the above-mentioned features are disclosed in Nidou. Claims 2 and 3 depend from claim 1 an should also be

allowed for the reasons set forth above without regard to the further patentable limitations cited therein.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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